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FIFTY-SECOND YEAR

witnesses to the shooting of young

ning at the Roadhouse by Barney stein on Thursday night, are doing

in their power to shield the saloon

s of the dead man is being held

"Donnell's undertaking parlors,

ice G. M. Bishop presiding. The

is composed of R. L. McGee, Hor-

Stayner and Victor Christopher-

The proceedings so far were of

nsational order and indicate pret-

with Sheriff Naylor and Deputy

rif Ed Naylor. He was well

ed, but appeared to be very ner-

and sat twitching his hat and

ing about in an uneasy manner.

was represented by Attorney

up, of Powers, Straup and Lipp-

County Attorney Christensen con-

was the testimony of A. E. Sher-

k, the morphine fiend and plano

er who has been working for Eck-

. He it was who told the offi-

night before last that Eckstein had

the story for him to tell. On the

ess stand today be brazenly de-

it all. He swore that he did not

Jennings say he had been robbed,

declared in a very dramatic man-

that he did not so state to Sher-

Naylor, Captain Burbidge and Mr.

If I told you that," he said, "I'm a

n liar. I was either drunk or

zy. I was drunk. I had been drink-

and had taken morphine and my

quite certain that the wit-

ses have "been seen" and that

ginal story and deny their confes-

he first witness called was the negro

rtender, Frank Trusty. His memory

s poor and he told a rather discon-

sted story. After answering each

estion he would turn around to Eck-

in and give him a searching look, un-

Mr. Christensen cautioned him not

He said that he had been working at

road house for four years, and that

kstein had been there only about a

onth. He remembered well Thursday

ht. He said he was perfectly sober

il along in the evening when he had

w drinks. He said he first saw Jen-

s about 3 or 4 o'clock that after-

. He said Jennings came in in a

terous manner and demanded some

He drank two beers and then

out on the porch. Trusty then

t out on the porch and Jennings

e up and kicked his feet down off

railing. Trustle went back into

saloon and was followed by Jen-

s, who began to play the slot ma-

. He broke the machine and de-

the county authorities say

y have been induced to stick to

TRUSTY, THE NEGRO.

u to the officers.

do it again.

ristensen.

The inquest over the re-

back the facts in

E. Sherbrook Who Confessed to the Officers That Eck-

slein Murdered Jennings Brazenly States That if He

Did So He Was a Liar and That He Had Been Drink-

is now more certain than ever that | Sherbrook and a man called "Jimmy,"

about the place.

and that nothing happened until after

supper and up to the time of the shoot-

ing. Eckstein came back about dark

and wanted to know who Jennings was.

The latter was then asleep on the

porch. Eckstein then began to wait on

bar while witness was doing odd jobs

About 9 o'clock he said, Jennings

came in and walked up to Eckstein.

Jennings pulled a gun out of his left

hip pocket with his left hand and re-

marked that he was going to do some-

thing and do it pretty quick. Trustie was positive that Jennings did not say anything about having been robbed. He said that when Barney fired the two shots, Jennings fell on his back and the gun fell by his right hand.

Witness saw that the gun was cocked. Eckstein then ordered all to stand back

and leave the body alone until the officers arrived. Trustle admitted that he served beer almost over the dead body of Jennings, and that there was a lot of jesting and noise which kept up

for nearly two hours.

Mr. Straup asked if witness saw Jen-

nings have a gun in the afternoon, and Trustic replied that he saw the gun in the man's pocket but that Jennings

Captain Burbidge and Sheriff Nay-lor were next called and testified as to the location of the body and the gun, and what was found on the body.

SHERBROOK'S ASTOUNDING DE-NIAL.

A. E. Sherbrook came next, and fur-

nished a big surprise to County Attorney Christensen. Sheriff Naylor and Captain Burbidge. He is the man who told the officers that Jennings came in and demanded the return of his

money, and that Eckstein shot him down and then made up the story which was first told to the officers. Sherbrook denied all of this. He said

that he saw Jennings early in the af-ternoon and that Jennings was swag-

gering around and cursing everybody.

He said Jennings threw Trustie to the floor twice and pulled a gun on him

and threatened to shoot.

"When Jennings first walked up to Trustle," said Sherbrook, "he shoved a gun in his face and said he would like to shoot the black — — full of holes. He went into the saloon and

began to play the machine. He lost once and then pulled the gun out and said he would kill Trustie if he did not

dig up five cents. After that he began to play again and finally broke the machine. He pulled the gun out again and threatened to kill the bartender him 16

if he did not give him 16 cents. He came into the parlor where I was playing the plano and called me names and swore he would shoot me if I did not play for him. Then he went out on the name, and went to

went out on the porch and went to sleep, and I went to bed and went to sleep and did not wake up until kind of late. The next thing I heard was when

Atty, Christensen gazed at the fellow

"No." said Sherbrook. "I didn't tell

"How do you know that?" demanded

Christensen. "Well, because Barney came in the

During the questioning, Sherbrock

back way.

you that. If I did I was a damn liar

did not pull it out.

ing and Taking Morphine-Remarkable Testimony.

SATURDAY, SEPTEMBER 6, 1902. SALT LAKE CITY, UTAH.

WATER MUDDLE

Hearing the Cause.

Provisions of Restraining Order.

Judge Morse was engaged today in

hearing the order to show cause in the

case of John Gabbott et al vs Salt Lake

City, I. M. Fisher and F. L. Hines. The

defendants Fisher and Hines were cited

punished for contempt of court for di-

verting the water of Parley's creek on

the 14th day of August, in violation of

the temporary restraining order which

It is alleged that Land and Water

Commissioner Fisher diverted the wa-

ter from the creek by means of dams

and turned it on the city's lands and thereby decreased the flow of the

stream on the 15th of August, the date

set for a new measurement to be taken

by the water commissioner for the pur-

pose of settling on a basis of exchange

of waters betwen the farmers and the

city, from 9,000,000 gallons to 3,500,000

gallons. It was also alleged that Supt.

Hines permitted more water to flow in

the conduit than was necessary to sat-

isfy the claims of the state prison and

Susan Dudler and hence he disobeyed the terms of the restraining order.

Land and Water Commissioner Fish-

er filed an affidavit today setting out that he did divert the water as alleged,

but that it was done openly and with the consent and knowledge of a ma-jority of the water commissioners, and that it was done for the purpose of tak-

ment was taken until such a time as the court may be able to hear the same.

PRINCE IN THE CITY.

Young Globe: Trotter Will Give an

Exhibition Here.

Albert Kimmons Prince is in the city.

Prince is a whistler, a mandolin play-

er, a globe trotter and a general all

round good fellow. He has been tour-

ing the country for five years and ex-

pects to keep it up for five years more,

on Sunday evening and for the Elks on Wednesday evening of next week.

Prince is a brother of Lulu Prince Kennedy who shot and killed her hus-

band, Phillip H. Kennedy, at Kansas City, Jan. 9, 1901. He says she killed

him because he had betrayed her, as

he never recognized her as his wife

The woman was tried, found guilty

and sentenced to 20 years imprison-

ment. She is now out on bail pending

about three quarters of an hour, when the fire had burned itself out. It was

French Government Has Not De-

cided Upon the Matter.

an appeal.

was issued in the case.

SEQUEL TO THE

Most Astounding SCHOOL TEACHERS **OUTLINE POLICY** Denials Made.

Opening of the Term.

CHRISTENSEN'S GREETING.

Superintendent Welcomes Pedagogues To Their Labors and Assures Them Hearty Support.

teachers of Salt Lake City was held in the high school assembly room this morning. The meeting was opened by singing "America," Mr. Wetzel leading, the audience joining with a will.

Supt. Christensen gave a healthy greeting to the teaching body, welcoming them to their labors and assuring them of the hearty support of the su-perintendent and board of education. In extending relicitations for the work that had made the schools of this city occupy an enviable position, he ex-pressed the hope that the year 1902-3 would be the banner year, because of the prestige already attained and which places the school system on a substantial foundation.

Inasmuch as some changes have been made since the first assignment was published, the superintendent read the names in all departments as now com-

Mr. Critchlow was then announced, who spoke for the board of education giving a hearty greeting and indulging in pleasantries which were much en-joyed. "It is fortunate," said the speak-er, "that the teachers have returned so as to help in caring for the children who have been relegated to the homes dur-ing the summer vacation." "The board," he said, "had been boking over board," he said, "had been moking over and assorting the troubles that may arise and had distributed them among the corps as judiciously as possible." "Everything has been arranged." con. "Everything has been arranged," con-tinued Mr. Critchlow, "to anticipate the needs of the schools, and all accom-plished for their substantial mainten-ance."

Mrs. Wetzel and Mrs. Anderson then Mrs. Wetzel and Mrs. Anderson then sang most acceptably a vocal duet, and were followed by State Supt. Nelson, who expressed great pleasure upon meeting so important a body as an assemblage of teachers.

In the estimation of Mr. Nelson a teacher should be an optimist, and the school room is no place for the resimist, who in a degree blights the life of the ambitious pupil.

He spoke of the teaching profession as being a great factor in civilization. He believed as did Socrates in writing on the hearts of living men to the end that the greatest good to humanity may be achieved.

The teacher should represent the

The teacher should repres

The teacher should represent the highest type of the Christian home; this should be taken as a model in the work of training the youth for the highest duties of citizenship. The child who comes from the gloom of the home, where poverty exists, should be encouraged to higher efforts alike with the boy yeared in affluence.

encouraged to higher efforts alike with
the boy reared in affluence.
He closed by repeating a poem, which
had a beautiful application to the subject so well chosen, and so fitly spoken.
Miss Berkhoel then sang a solo very
entertainingly, Miss Sharp acting as eccompanist.
Supt. Christensen before closing the I was in the parlor playing the plano and I heard Barney say "Take that away," then 'Bang, Bang, I ran out into the bar room and saw the man lying there dead. Now gentlemen that is all I know," concluded the witness.

meeting called attention to some important general rules governing teachers, after which the teachers were divided into two sections, Miss Pollock addressing the primary division and the superintendent the grammar division. At these meetings changes in the course of study were pointed out and

in amazement for a moment and then asked if it were not a fact that he (the witness) had told the officers a different At 2 o'clock this afternoon meetings were held in the various buildings under the direction of the principals.

I was either crazy or drunk. I had taken some morphine and my head was in a whirl. Barney hadn't seen the AGREEMENT WITH FRANCE. It Extends Important Trade Advantages to Porto Rico.

Washington, Sept. 6.-The president has proclaimed an agrement ente ed into with the government of France on the 22nd of August last, extending an important trade advantage to Porto Rico by the admission of the coffee produced in that island to the French

congress at its final session here today re-elected Sam Woods as secretary and appointed E. Edwards, of the miner's rederation and M. Armandale, of the United Mine Workers, delegates to the congress of the American Federation of

Labor.

The congress passed a resolution expressing sympathy with the American workingmen in "resisting trusts and railroad presidents," and promising them immediate financial support. Another resolution congratulated the tin plate workers of America on "resisting the reduction of 25 per cent in their wages attempted by the trusts," and expressed the hope that everything would be done to prevent unfair competition in the wages rate of the men on both sides of the water.

ARTHUR BROWN WITHDRAWS SUITS

Gather This Morning Prior to the Judgs Morse Engaged Today in Actions Against Tribune Publishing Company Are Dismissed.

FOR CONTEMPT OF COURT. THE DAMAGE ASKED, \$75,000

I. M. Pisher and F. L. Hines on the Suits Have Been Pending in the Stand Claim They Complied With Courts Since November 27, 1894 -Damage Suits.

> A stipulation was filed today in Judge Stewart's court dismissing the two libel the Tribune Publishing and Printing company and against Patrick H. Lannan, William Nelson and the Tribune Publishing and Printing company. The former was brought to recover damages in the sum of \$25,000 for certain libelous articles published in the Tribure repetition of said articles. The suits have been pending in the court since Nov. 27, 1894, and had never come to trial. The stipulations provide that the costs shall be determined by the parties in person.

MAX PETERS' ESTATE. Wife of McCoslin's Victim Asks to be Appointed Administratrix.

Anna Peters, the wife of Max Peters, who was murdered by J. W. McCaslin several weeks ago, today petitioned the district court for letters of administrafrom or the estate of her deceased his-band. The estate consists of personal property valued at \$4,000, and real es-tate described as part of lot 6, block 22, plat A, and valued at \$3,500. The only heirs to the estate are the peti-tioner, Otto R. Peters, aged 16 years, and Ray E. Peters, aged 8 years, the children of decedent.

LIVE WIRE ACTION. J. W. Stringfellow Files Damage

Suit Against Street Car Co.

ing the amount of water to which the city was entitled for the Brigating of the lands which it purchased in Parley's canyon and not for the purpose of decreasing the flow of the stream for Junius W. Stringfellow, by George Stringfellow, his guardian ad litem, filed suit in the Third district court tothe measurement.

Supt. of Waterworks Hines also filed an affidavit denying that he had violated the terms of the restraining order as day against the Consolidated Railway and Power company to recover \$15,200 as damages for personal injuries sus-tained on June 7, 1902, by coming in alleged by plaintiffs.

Samuel Russell, W. B. Richards, L. S.
Clark and T. H. Woodbury testified on
behalf of plaintiffs and Land and Water
Commissioner Fisher, Supt. Hines and
John Gabbott were sworn in behalf of contact with a live guy wire near the corner of State and Seventh South streets, which had negligently been allowed to lie on said street for at least five days without being repaired.

It is alleged that plaintiff was riding a horse and driving some cows John Gabbott were sworn in behalf of defendants.

The matter was argued by Attys. Ray and Waldemar Van Cott on behalf of plaintiffs and City Atty. Nye for defendants. The testimony of A. F. Doremus, one of the water a minissioners, was desired on some matters in connection with the case and an adjournment was taken until such a time as

south on State street and at the corner of that street and Seventh South he attempted to prevent the cows from turning to the east and rode a short distance on Seventh South street. When returning to State street his horse stepped on the wire, which had broken loose from the pole and was lying on the street, and was knocked down, throwing him violently to the ground and rendering him unconscious for

more than an hour.

His face and hands were severely burned by the electricity from the wire and he received injuries which he al-leges are permanent. Negligence on the part of defendant is set out be-cause it failed to fix said wire, it having been lying on the street for five days previous to that time, and also because said company failed to put non-conductors on said guy wires. visiting only the big cities en route. That is why he came to Salt Lake. This is the 777th city he has visited, these 777 cities being in 33 different states. He will perform for the Eagles

OGDEN CITY ITEMS. Ernest Herbath Dead-Salt Lake Boys

Held-Before Judge Rolapp. (Special to the "News.")

Ogden, Sept. 6 .- Ernest Herbath died yesterday at his home in Five Points, of typhoid fever, aged 43 years. The funeral will be held at the Methodist church on Sunday at 2 p. m. Mr. Herbath was well known in Ogden, having lived here for many years. He was an active mission worker, and for a number of years conducted the colored people's mission in Ogden City.

SALT LAKE BOYS HELD.

The following named Salt Lake boys were arrested at Ogden this morning harles Williams, Frank Moyer, Wiliam Carlson, William Kriter and Claud 17. They were taken in by the police shortly after arriving here this morn-ing, on suspicion that they were run-ning away from home, and will be held awaiting word from their parents of the Salt Lake police.

BEFORE JUDGE ROLAPP.

H. Buckner (colored) is having earing before Judge Rolapp in the robbery. It is alleged that he took a valise from a lady passenger at th union depot a few weeks ago. He was a porter on the Union Pacific, and the hady asked him to show her to the train. As soon as she delivered her value to him he made off with it.

BENCH WARRANT ISSUED.

for Joseph Clark, the well known busiress man, and Erick Larsen, proprietor were found guilty a few days ago of maintaining a nuisance, and time of sentence was fixed for today, but neith-or of them appeared, hence the bench

William Cates was given a hearing this morning before Judge Howell on the charge of assault and battery, alleged to have been committed upon the person of his grandmother, Mrs. Carofine Cates. The old lady charges that her grandson, who is a big burley fel-iow, struck her in the face, and marks left by the blow being still quite visible. The man was found guilty and sentence will be passed Monday morning.

FOR DISTURBING PEACE.

W. Cameron was arrested this morna hard climb and he was very tired when he had finished, but it resulted in him getting to a point of safety. ing on the charge of disturbing the peace. His bail was fixed by Judge Howell at \$100, which he could not furnish, and he remains in the custody EVACUATION OF MARTINIQUE.

The Cruel War is Over.

New London, Sept. 6.—Through Chief of Staff Thomas F. Barry, Maj. Gen. MacArthur today sent a telegram to all commanders expressing his entire attifaction with the work of the army Paris, Sept. 6.—The correspondent of the Associated Press learns that neither the partial nor the total evacuation of the islands of Martinique has been decided upon. The question has not even been considered. during the war maneuvers which came to a close this noon.

Crowds Greet Mr. Roosevelt.

His Reception in West Virginia Most Enthusiastic - Smiled His Appreciation in Spite of a Badly Colored Face-President Was in High Spirits and Cracked Jokes With His Newly Made Acquaintances.

Roosevelt and party arrived over the B. & O. at 8:30 this morning from Washington. He was greeted by a vast crowd at the depot and smiled his appreciation despite his badly discolored face. His right cheek was rather badly swollen and contused and his left eye showed signs of discoloration. Mayor Sweeny, President Laughlin and Secy. Birsch, of the board of trade; Postmaster Hall and Councilman Waterhouse formed a committee which received the president. The entire party, which embodied Secy Cortelyou, secret service men and a staff of correspondents, en-tered vehicles and were driven to the McClure house, headed by a military

Wheeling, W. Va., Sept. 6.—President | lined with the people from western Roosevelt and party arrived over the Pennsylvania, eastern Ohio and West Virginia. At the hotel the chief executive met a delegation of prominent citizens of Wheeling, introduced by U. S. Senator Scott. President Roosevelt seemed in a very jovial humor and joked with his newly-made acquaint-ances. He addressed an enormous crowd from the balcony of the hotel, from which he had a range of four different states. He spoke long beyond his scheduled time, which necessitated the

curtailment of the regular program.

At the conclusion the party re-entered the train of carriages and were driven over the principal thoroughfares. The decorations were of an elaborate and festive order. All along the route vast men and a staff of correspondents, entered vehicles and were driven to the McClure house, headed by a military band. Throughout the entire route enthusiasm was rife, the streets being the service order. All along the route was crowds cheered the party was driven to the southern portion of the city, where the B. & O. special was boarded and the trip to the south continued.

STRIKE IS PRACTICALLY ENDED.

That in the Kanawa and New River Fields, in Which Fitteen Thousand Miners Were Involved, Terminates-No. Concessions Granted—Evictions Will Stop.

Charleston, W. Va., Sept. 6.-The | granted, the miners returning to work coal miners' strike in the Kanawha and New River fields, involving 15,000 miners, which has been in existence since June 7, is practically at an end. Each local union is instructed to go back to work on the best terms possible. Several of the largest operators in the New River field have made terms with their men and will resume on Monday. No concessions have been

at the same rate as before the strike. Evictions will stop and old men will be given employment where possible.

STRIKERS RESUME WORK.

thousand more striking miners resumed work today in the Norfolk and Western mines, making a total of 2,500 to resume since yesterday morning. Business in this region will be fully re-sumed by Monday.

MR. CHAMBERLAIN IS SCARED.

Good Sized Storm Said to be Brewing in South Africa Over What is Called "The Imperial Government's Anxiety To Reward Disloyalty and Aggression.

London, ept. 6 .- Nothing important, it is believed now, is likely to ensue as a result of the conference held yesterday at the colonial office between Colonial Secy. Chamberlain and the Boer generals, Botha, Dewet and Delarey, There may be, however, slight modifications of the plans outlined for the resettlement of matters in the annexed territories, but these will be in the nature of internal changes, more interesting to political economists than to the world at large; and even these will only occur after Mr. Chamberlain shall have high commissioner in South Africa, and after such consultation shall have laid

the matter before the cabinet.
What transpired at yesterday's conference is little more than what hap-pened when one of the members of the cabinet receives a trade or other dele-gation in support of its particular views. No topic really vital to the conquered republics, so far as their relations to the outside world are con-cerned, could be admitted to discussion. Such points were irrevocably settled when the terms of peace were signed. The concessions which the Boer generals urged Mr. Chamberlain to make were almost vitally important to indivbut of comparatively small importance to the rank and file in England except to those who, through investment or otherwise, are directly concerned in South Africa. Except for the breaking of precedents hampering Lord Milner

and antagonizing the Liberalists of Cape Colony and Natal, it may safely be said that Mr. Chamberlain might easily have conceded all the generals asked. These exceptions, however, involve so many wheels within wheels that the discussions are likely to be protracted with a result that will combine as much of a compromise as is consistent with the imperial dignity. These half-way courses and undramatic donouements do not enter into reckoning of the Engglish public, whose imagination has been unusually fired by accounts of Friday's conference. Nothing has so frocibly brought home to the average Englishmen the end of the war as the visit of the Boer generals to Mr. Chamberlair's office and its possible results. berlain's office, and its possible results are magnified out of all reckoning. The British government will give the Boers all they can desire to gain their cooperation in the establishment of the new regime, but already there is a good-sized storm brewing among the Boers of Cape Colony, Natal and Rhodessia and among the British residents of the South African colonies over what is termed "the imperial government's anxiety to reward disloyalty and aggression." One of the colonial premiers recently said to a representa-tive of the Associated Press:

"Mr. Chamberlain is more scared now by the South African loyalists than he ever was by the Boers. With such conditions prevailing, it is obyiously impossible for Mr. Chamberlain immediately to secure any important concessions for the Boers even though he was recommended. may recognize the justice of their

LIE PASSES IN STEWART'S COURT

It Precedes the Amende Honorable in Hospital Malpractice Suit During Exciting Tilt Between Attorneys Williams and Higgins.

dulged in by Attys. P. L. Williams and E. V. Higgins in Judge Stewart's court this morning during the argument on plaintiff's motion to strike out certain natters contained in the answer of defendants in the case of D. A. Lindsay vs St. Mark's hospital, Drs. S. H. Pinkerton and Union Worthington, The lle was passed and for a time it looked as if a personal encounter would ensue. The matter was finally settled by the court requesting both attorneys to re-tract their statements, which they did Judge Higgins represented the plain-tiff in the action, who is suing to re-cover \$10,000 as damages for alleged malpractice in connection with the amoutation of plaintiff's leg, the operation naving been performed at St. Mark's nospital by Drs. Pinkerton and Worthngton. In defendants' answer it was tiff had no desire to prosecute the case and had instructed his attorney to disniss the same, but he had refused to de o and was continuing the prosecution for his own personal gain and benefit. Plaintiff made affidavit to that effect

Some very heated remarks were in-, and the same was filed as part of defendants' answer. It was this part of the answer and this affidavit that plaintiff's attorney wished to have stricken Judge Higgins in his argument inti-

mated that Atty. Williams had secretaffidavit in question by rather question-able means. Mr. Williams immediately resented the statement and said in an angry voice:

you say I saw your client you are Judge Higgins appealed to the court to order Mr. Williams to retract his statement. When asked to do so by Judge Stewart the latter attorney re-

"Out of respect to the court I will withdraw my statement. I know my remarks were unprofessional but they were incited by statements made by Mr. Higgins and when he retracts his statements I will withdraw mine." Judge Higgins signified to the court his willingness to withdraw his remarks and Mr. Williams did the same thing, so the matter was dropped and the arguments proceeded who, and at the conclusion the motion was taken under

OSTEND COMMERCIAL CONGRESS Report of Retirement of American Delegates Erroneous.

Brussels, Sept. 6 .- It is officially announced that the report that the American delegates retired from the International Commercial congress at Ostend, because of the treatment they re-

ceived there is unfounded. Americans were among the speakers at the closing session who congratulated the congress on its work and thanked the organiz-ers, and the official delegate of the United States, Mr. Shatten, spoke at the penultimate sitting in favor of an

international metric system.

There was no attack, either direct or indirect on the protectionist policy of the United States.



******************************* J. A. JENNINGS AND WIFE. Murdered Man and Bride Looked When They were Married at Provo & Year Ago.

The state of the s

